IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2519 OF 2005

Mr.Piyush Jhaveri. .. .. Petitioner
v/s.
The Union of India & ors. .. Respondents

W I T H

WRIT PETITION NO.2520 OF 2005

Mr.Ashish Jhaveri. .. .. Petitioner
v/s.
The Union of India & ors. .. .. Respondents

W I T H

WRIT PETITION NO.2521 OF 2005

M/s.R. Dalpatlal & Co. .. .. Petitioners
v/s.
The Union of India & ors. .. .. Respondents

Mr.Mohan Jayakar i/by Khaitan & Jayakar for petitioners.

Mr.Rajiv Chavan, Special Counsel with Mr.Kiran Kandpile for respondents.
(In all matters)

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 1st December 2005

P.C. :

1. Heard Mr.Jayakar in support of the above three Petitions. Mr.Chavan appears for the respondents.

2. Mr.Jayakar appearing for the petitioners points out that pending application for waiver of pre-desposit an unconditional stay had been granted in the Appeals by the Appellate Tribunal way back in the year 2001. On 1.3.2005 as the petitioners were not present, the Tribunal vacated the stay. Thereafter, Tribunal heard the Stay

Applications once again and passed a conditional order on 17th March 2005. Mr.Jayakar submits that the stay order ought not to have been vacated without hearing the petitioners. The very fact that the Appeals were not dismissed earlier i.e. prior to passing the impugned orders on 17th March 2005, implies that the Applications for stay were kept alive and were heard when these orders were passed.

3. All that the Tribunal has done is to call upon the Petitioners to deposit 15% of the amount of penalty and to furnish an unconditional Bank Guarantee for another 15% of the penalty in each of these three matters. We do not think that the orders are, in any way, unreasonable. All the three Petitions are rejected.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)